

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SYLVINA JEAN CLAVIEN and RAPHAEL DANIS,

Plaintiffs,

v.

GREYHOUND LINES, INC., and "JOHN DOE", that  
name being fictitious, his true name being unknown to  
Plaintiff,

Defendants.

-----X  
GREYHOUND LINES, INC.,

Third-Party Plaintiff,

v.

MOTOR COACH INDUSTRIES, INC., UGL  
UNICCO, Formerly Known as UNICCO Service  
Company and THE GOODYEAR TIRE &  
RUBBER COMPANY,

Third-Party Defendants.

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Third-Party Defendant, UNICCO Service Company d/b/a UGL Unicco s/h/a UGL  
UNICCO, Formerly Known As UNICCO Service Company, by its attorneys QUIRK AND  
BAKALOR, P.C., sets forth the following upon information and belief:

FIRST: Deny having knowledge or information sufficient to form a belief as to any  
of the allegations contained in the paragraphs of the Third-Party complaint numbered "1", "2", "3",  
"4", "5", "12", "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "26", "29",  
"30", "53", "55", "57", "58", "60", "61", "67", "70", "71", "83", "86", "89", "92", "102", "104",  
"105" and "106".

**ANSWER TO THIRD-PARTY  
COMPLAINT**

08 CIV 3566 (PKL)

[Related to  
06 CIV 13371 (PKL)]

SECOND: Deny each and every allegation contained in the paragraphs of the Third-Party complaint numbered "6", "7", "54", "68", "87", "90", "93" and "103".

THIRD: Refers paragraphs "10" and "11" of the Third-Party complaint to this Court as said paragraphs contain conclusions of law to which no response is required.

FOURTH: Deny having knowledge or information sufficient to form a belief as to any of the allegations contained in the paragraphs of the Third-Party complaint numbered "25", "27", "28", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "52", "63", "64", "65", "66", "69", "79", "80", "81", "82", "95", "98", "99", "100" and "101" and refers all issues of contract interpretation and law contained therein to this Court.

FIFTH: Deny each and every allegation contained in the paragraphs of the Third-Party complaint numbered "50" and "51" except admits that this answering defendant did not accept GREYHOUND LINES INC.'s demand for indemnity and refers all issues of the law contained therein to this Court.

SIXTH: Deny each and every allegation contained in the paragraphs of the Third-Party complaint numbered "73", "74", "76", "77", "84", "85" and "96" and refers all issues of contract interpretation and law contained therein to this Court.

**AS AND FOR A FIRST, SEPARATE  
AND COMPLETE AFFIRMATIVE DEFENSE**

SEVENTH: The limitations of New York State CPLR Article 16 apply to this action.

**AS AND FOR A CROSS-CLAIM OVER AND AGAINST DEFENDANTS  
MOTOR COACH INDUSTRIES, INC. and THE GOODYEAR RUBBER AND TIRE  
COMPANY**

EIGHTH: If the plaintiffs were caused to sustain damages at the time and place set forth in the plaintiffs' Third-Party complaint through any carelessness, recklessness or negligence,

other than the plaintiffs' own carelessness, recklessness or negligence, then said damages were sustained by reason of the carelessness, recklessness or negligence and/or acts of omission or commission of Third-Party defendants MOTOR COACH INDUSTRIES, INC., and THE GOODYEAR RUBBER AND TIRE COMPANY and if any judgment is recovered herein against this answering defendant, this answering defendant will be thereby damaged.

NINTH: By reason of the forgoing, Third-Party defendants, MOTOR COACH INDUSTRIES, INC. and THE GOODYEAR RUBBER AND TIRE COMPANY will be liable to the plaintiffs for the full amount of any recovery herein by the plaintiffs, or for that proportion thereof caused by the relative responsibility of Third-Party defendants, MOTOR COACH INDUSTRIES, INC. and THE GOODYEAR RUBBER AND TIRE COMPANY are bound to pay any and all attorneys' fees of UNICCO Service Company d/b/a UGL Unicco, s/h/a UGL UNICCO, Formerly Known As UNICCO Service Company, as well as, costs of investigation and disbursements.

**WHEREFORE**, defendant UNICCO Service Company d/b/a UGL Unicco s/h/a UGL UNICCO, Formerly Known As UNICCO Service Company, demands judgment dismissing the Third-Party complaint of the Defendant/Third-Party Plaintiff, and demands judgment on its cross claim together with the costs, disbursements and attorneys' fees of this action.

Dated: New York, New York  
May 12, 2008

Yours, etc.

QUIRK AND BAKALOR, P.C.

By: 

Scott P. Taylor (7761)

Attorneys for Third-Party Defendant  
UNICCO Service Company d/b/a UGL  
Unicco s/h/a UGL UNICCO, Formerly  
Known As UNICCO Service Company

845 Third Avenue  
New York, New York 10022  
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TO: NEIL MOLDOVAN, ESQ.  
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Kevin B. Pollak (KBP 6098)  
*Attorneys for Defendant/  
Third-Party Plaintiff*  
**GREYHOUND LINES, INC.**  
570 Lexington Avenue, 4<sup>th</sup> Floor  
New York, New York 10022  
(212) 644-4420

NOVACK BURNBAUM CRYSTAL LLP  
*Attorneys for Third-Party Defendant,*  
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300 East 42<sup>nd</sup> Street  
New York, New York 10017  
(212) 682-4002

HERRICK, FEINSTEIN, LLP  
*Attorneys for Third-Party Defendant*  
**THE GOODYEAR TIRE &  
RUBBER COMPANY**  
2 Park Avenue  
New York, New York 10016  
(212) 592-1400

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated:

STATE OF NEW YORK, COUNTY OF

ss.:

The name signed must be printed beneath

I, the undersigned, being duly sworn, depose and say: I am

☐ Individual Verification in the action; I have read the foregoing

and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

☐ Corporate Verification the of a

corporation and a party in the within action; I have read the foregoing and know the contents thereof; and the same is true to my own knowledge,

except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on

The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF New York

ss.:

(If more than one box is checked—indicate after names type of service used.)

I, the undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside at Valley Stream, N.Y.

May 12, 2008

Answer to Third-Party Complaint

On ☒ I served the within

☒ Service By Mail by mailing a copy to each of the following persons at the last known address set forth after each name below.  
☐ Personal Service on Individual by delivering a true copy of each personally to each person named below at the address indicated. I knew each person served to be the person mentioned and described in said papers as a party therein.  
☐ Service by Electronic Means by transmitting a copy to the following persons by ☐ FAX at the telephone number set forth after each name below ☐ E-MAIL at the E-Mail address set forth after each name below, which was designated by the attorney for such purpose, and by mailing a copy to the address set forth after each name.  
☐ Overnight Delivery Service by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after each name below.

OFFICE OF JAY H. TANENBAUM

*Attorneys for Plaintiff*

**LIONEL CADELIS**

110 Wall Street, 16<sup>th</sup> Floor

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*Third-Party Plaintiff*

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**THE GOODYEAR TIRE &**

**RUBBER COMPANY**

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NOVACK BURNBAUM CRYSTAL LLP

*Attorneys for Third-Party Defendant*

**MOTOR COACH INDUSTRIES, INC.**

300 East 42<sup>nd</sup> Street

New York, New York 10017

**DARA L. ROSENBAUM**

Notary Public, State of New York

No. 02R06117218

Qualified in New York County

Commission Expires October 25, 2008

Sworn to before me on May 12, 2008

The name signed must be printed beneath

Ludy Aristilde



SOUTHERN DISTRICT OF NEW YORK

SYLVINA JEAN CLAVIEN and RAPHAEL DANIS,

Plaintiff,

-against-

GREYHOUND LINES, INC. and "JOHN DOE", that  
name being fictitious, his true name being unknown to  
plaintiff,

Defendant.

**AND OTHER ACTIONS**

**ANSWER TO THIRD-PARTY COMPLAINT**

**QUIRK AND BAKALOR, P.C.**

Third-Party Defendant, UNICCO Service Company  
d/b/a/ UGL Unicco s/h/a UGL UNICCO, Formerly Known As  
Attorney(s) for UNICCO Service Company

*Office and Post Office Address, Telephone*

845 Third Avenue  
NEW YORK, NEW YORK 10022  
(212) 319-1000

To

Signature (Rule 130-1.1-a)

Print name beneath

Service of a copy of the within is hereby admitted.

Attorney(s) for

Dated: \_\_\_\_\_

**PLEASE TAKE NOTICE:**

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a  
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order  
will be presented for settlement to the HON.  
within named Court, at  
on at M.

of which the within is a true copy  
one of the judges of the

Dated,

Yours, etc.

**QUIRK AND BAKALOR, P.C.**